

Mt. Prospect Park District
Special Board Meeting, April 20, 2026

A Special Board Meeting of the Mt. Prospect Park District, Cook County, Illinois, was held on Monday, April 20, 2026 at the Central Community Center Facility of the Mt. Prospect Park District.

President Doherty called the meeting to order at 6:00 p.m.

Commissioner Starr called the Roll:

The following Commissioners were present upon the roll:

Present: Commissioners Masnica, Tuczak, Nicholas, Starr, Murphy and Doherty

Remote: None

Absent: Commissioner Lowen

The following individuals were also in attendance (present or remote) at the meeting:

Administrative Staff: Jon Zgoda-IT Professional/ Remote Meeting Moderator

Professionals: Tom Hoffman, District Attorney, Chris Johlle, Attorney/Presenter, Littler Mendelson P.C.

Visitors and others in attendance: None

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT: None

ANNUAL BOARD TRAINING

Attorney Chris Johlle, who has represented the Mt. Prospect Park District since 1992, addressed the Board. Attorney Johlle was asked to conduct training on employment discrimination, focusing on how to reduce, minimize, or eliminate the risk of lawsuits related to harassment and discrimination under Illinois State and Federal Employment Law.

He presented a concise version of this training, tailored for the Board of Commissioners. The session covered two main concepts:

1. **Legal Liability:** The specific laws the Board must be concerned about and the potential liability elected Board members face for their behavior.
2. **District Responsibility:** How the Park District is held responsible for the Board's conduct under employment laws.

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The Board Members' responsibilities include the Governance and Guardianship function. This function is rooted in fundamental principles, such as showing respect and treating people appropriately. This includes communicating with staff and patrons in a professional and respectful manner. Attorney Johlie told the Commissioners to please feel free to ask questions or offer comments as he proceeds.

Question from Commissioner Nicholas: "Is there an uploaded Powerpoint presentation in our packets?" It was relayed there is not, only what is in front of them on paper.

Board Staff Relationship: Attorney Johlie explained to the Commissioners that Board conduct not only potentially imposes liability on the Park District, but also has a great influence on culture in the workplace. Board members are not here interacting with the employees everyday, however to the extent they do interact with them, whether in person, in the building, or out at the facilities, Commissioner conduct sets the tone for the way we want to treat our employees. You are not their boss, but your relationship with them may involve a level of perception. They perceive you have this authority. This may influence how they respond to you and react to you. Understand that your role as a Commissioner creates on some level, the idea in the mind of employees that this could be somebody who has a say in my working conditions, or in my performance evaluation. Be mindful of the line between the management team here and you. You are not the people who evaluate the employees that work here. That is the Leadership Team's responsibility. Maintaining a clear separation between your role as policy developers—who decide high-level policy issues—and the implementation of those policies is essential. Blurring this line can lead to confusion and misunderstandings, which often escalate into formal complaints, grievances, lawsuits, or charges filed with state or federal agencies.

Perceived Authority: Casual "off the cuff" remarks that you make may be given greater weight by employees. Your approach to employees and to your role, plays a part in the setting, tone and the culture for the working environment. The title of this presentation is "Your Role in a Respectful Work Relationship. Respectful is a term we use every single time we do this type of training. Above and beyond all else, respect in the workplace is critical for so many different reasons. Legal risk is obvious, but respectful interaction also creates a workplace culture wherein quality people want to work here and want to stay here. The Park District wants to recruit and retain the best people we can. Absent a culture of respect, you will have a hard time getting people to work here and/or to stay here. As Commissioners, the standards of conduct guiding all your behavior—including communications with the Chief Executive or the leadership team—must maintain dignity and respect. This requires professional communication with the appropriate tone, explicitly excluding sarcasm, insults, public criticism, or other conduct that undermines the respectful workplace we aim to establish.

Legal Considerations: The Park District is a highly regulated workplace, like most workplaces. There are established state and federal laws. These laws prohibit retaliation in the workplace based on race, age, sex, whatever protected characteristics the law recognizes, and there are many. The purpose of these laws is to set a level playing field for employees when it comes to hiring, performance, retention etc. All employees according to the law should be evaluated on their talent, skills and ability, not on the color of their skin, their sex, age, religion or anything else prohibited by law. There is also a component of the law that prohibits retaliation. If an employee brings forward a harassment complaint, or files a lawsuit alleging race discrimination, you cannot retaliate, in any way, against that employee for bringing the complaint forward.

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Claims of retaliation significantly outnumber claims of race discrimination, sexual harassment, and religious discrimination at the EEOC.

The discussion covers two main principles. The first is discrimination, which prevents individuals from being treated differently based on their membership in a protected class. This relates to equal employment, where hiring or termination decisions must be based on an individual's skill, ability, or lack thereof. The second principle is retaliation, and its protection extends beyond those who file claims. For instance, if an employee is interviewed as a witness in a sexual harassment investigation and provides unfavorable evidence to the Park District, that witness is also protected against retaliation.

The guidelines outlined in the presentation handout regarding appropriate conduct ("do's and don'ts") apply equally to Leadership employees and Board Members.

Professional Interaction with Employees:

- Discussions with employees must remain professional and directly related to their job duties.
- While casual conversation is allowed, any dialogue shifting to an employee's work, Park District facilities, programs, or operations must maintain a professional, job-related focus.
- Avoid inappropriate behavior, such as making jokes or insulting comments; the standard is always a professional dialogue.

Reporting Obligations:

- Board Members have a responsibility to pass along any employee complaint they receive.
- For instance, if a long-time employee with whom you regularly chat makes a claim of unlawful discrimination or harassment, your sole responsibility is to promptly report this information to Mary Kiaupa.
- Board Members are not to act as the investigator, judge, or jury; simply forward the information.
- The District is committed to maintaining a workplace free from harassment.

Question from Commissioner Masnica: "Do the guidelines apply regardless of the location?" The response affirmed this, clarifying that board members are considered on-duty 24/7. Therefore, whether an incident occurs at the Central Community Center or at an off-site location like a banquet hall, the board members remain responsible for adhering to the conduct guidelines.

Harassment: Employees have the right to a workplace free from harassment, which extends beyond sexual harassment to include all protected characteristics. Harassment encompasses unwelcome conduct—whether verbal, physical, or visual—that creates a hostile work environment or is made a condition of employment or advancement.

Examples of harassment include a supervisor's repeated requests for a date or for sex, or unwelcome conduct based on a person's race or other protected characteristic.

If unwelcome conduct creates an atmosphere where an employee feels they cannot perform their job, or if they feel pressured to comply with a supervisor's requests to advance, it constitutes harassment. A claim of a hostile work environment cannot be defended by asserting that the conduct was "only a joke," was "meant innocently," or that the harasser "didn't mean it."

American with Disabilities Act (ADA) Claims and Compliance: The number of ADA claims is escalating significantly. The ADA is designed to prohibit discrimination against individuals based on their disabled status, ensuring everyone has an equal opportunity to secure, maintain, and perform a job.

Key to compliance is the requirement to provide reasonable accommodations to employees with disabilities, enabling them to execute their essential job duties. The core function of the ADA is to protect capable employees from the perception that their disability prevents them from doing a job they are otherwise qualified for. Reasonable accommodations are necessary to prevent capable individuals from being barred from employment they can perform.

The specific dynamics of required accommodations change based on the job, particularly for positions involving physical labor. The employer must assess whether an accommodation—a change in job duties or physical space—can be made without creating an undue hardship for the organization.

Key Takeaways for Compliance:

- Focus on the individual's ability to perform the job.
- Provide necessary accommodations, provided they do not create an undue hardship, to ensure legal compliance.

ADEA: Age Discrimination Employment Act: This protects workers over 40 from age discrimination.

Question from Commissioner Starr regarding changes in the physical ability of an employee. "If an employee has a knee replacement and needs his legs to cut the grass or do his job, what type of a problem does that create for the Park District in that situation?" Attorney Johlle stated that the answer depends on the situation. Can they still do the job? Just because you have a replaced knee doesn't mean you can't do it. What if he can't cut the grass because it hurts too much to walk? That's an essential job function. If you can't do it, we can't accommodate you. If you cannot find that person another place in the organization, you do have the ability to terminate them.

Our policy strictly prohibits considering age in employment decisions, including hiring, termination, promotion, and transfers.

A crucial aspect of preventing age discrimination is avoiding casual comments that could be interpreted as age-related bias. Phrases such as "Looks like you should spend more time with your grandkids," "Out with the old, in with the new," or "You can't teach an old dog new tricks" are proxies for age discrimination.

While such language is often used without malicious intent, these types of statements frequently form the basis of discrimination lawsuits. Therefore, it is essential to communicate carefully. Maintain professional

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and respectful language at all times.

Very important and cannot stress enough that you communicate properly, professionally, appropriately etc. We don't want public confrontations with staff. Attorney Johlíe stated he has been on a board and worked with other boards. After 40 years of practice, boards don't play as large a role in workplace culture as the management team, but they can break it up pretty quickly. Board behavior can break up a respectful workplace with conduct that crosses the line. Your conduct matters.

Question from Commissioner Nicholas: "I have a question, what board do you work with? You said you worked for a board for 40 years, what was it? Which board? What community?" Attorney Johlíe responded that he had been on a university board. Commissioner Nicholas clarified, "Oh, a university." She then asked, "What university?" Attorney Johlíe identified the institution as Robert Morris University. Commissioner Nicholas concluded the exchange with, "OK-Great-Awesome."

Attorney Johlíe continued stating it's important to keep in mind that your emails, texts and remarks may become public. What some people think are "off the record" comments are not off the record. You may not be on Park District property or at a Park District function, and you may think you have a bit more leeway. We already know now that you don't. There is no such thing as "off the record" when it comes to risk issues in employment discrimination law. Everything is on the record, whether it is printed, spoken, emailed or anyway it can be communicated, it is on the record.

Public Meetings: Do not single out employees for criticism during an open session of a board meeting. There are closed session opportunities for those types of discussions. There may be debates, there may be differences of opinion, but it should always be respectful, dignified and should not involve personal attacks or individual criticism of an individual. Again, you have the opportunity in executive sessions for confidential discussions primarily regarding personnel issues. What is shared in executive sessions should remain there. I think it's ok to raise concerns, presenting your concern to the Chief Executive if appropriate, but it shouldn't be to the point of losing the policy focus and turning it into you taking a lead on an operational issue.

Lastly, I want to leave you with a summary of what we have talked about for the last 45 minutes. Respect the boundaries between policy and operations, model professional behavior in the words you use, in the way you interact with the employees here. Do what you can to build respect and maintain a respectful relationship that we have worked hard to build here over the years. Stay consistent with the principles and follow them. If you have doubts about what you can say or what you should say, get help. We have other board members that can help you. Tom is always available to assist with an issue that you're not quite sure how to handle. You have resources and answers available to you when questions arise.

COMMENTS/MATTERS FROM COMMISSIONERS:

Question from President Doherty who raised a hypothetical scenario: "If a long-time employee and friend confides information and explicitly asks that nothing be done, merely to make the President aware, does the Park District incur liability by not acting on the information?"

Attorney Johlíe confirmed that there is an obligation to escalate such information. He suggested the proper way to handle this with a friend/employee is to say, "I appreciate you bringing this information to me, but I

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need you to understand that I have to take this forward now because it represents a potential risk to the Park District, and I must ensure it is handled correctly."

The key takeaway is that if the information is shared with you, you must pass it along. If the employee/friend is warned beforehand—"I don't know what you're going to tell me, but depending on what it is, I may have to move it forward"—they can decide whether or not to continue. If they walk away and the issue remains unresolved, it is on them.

President Doherty then asked, "If I don't pass the information to the correct people and it leads to a bigger issue, would it be used against both me and the Park District?" Attorney Johlle affirmed this, stating that "What did they know and when did they know it?" is the standard used to evaluate employer liability. If the employer knew about an issue and failed to act, liability is established.

Commissioner Murphy shared a past situation involving a relative working at the Park District, stating, "I asked if he took it up with the person directly. A year and a half later, new issues arose. Looking back now I would have handled the situation differently."

Attorney Johlle, in his response, explained his standard training for management teams regarding conflict resolution. He advises that the initial step is to ask the employee if they have spoken to the person in question. The goal is to encourage employees to resolve the issue themselves. If the employee attempts to resolve it, returns to management, and states the behavior continued, then management escalates the matter and involves HR. Attorney Johlle acknowledged that while the Commissioner's initial approach—encouraging them to work it out—was not inherently "a bad one," such situations can sometimes go awry.

Question from Attorney Hoffman: "What is the appropriate way to handle a highly necessary vendor, essential for a continuing work line, if that person engages in employee harassment?"

Attorney Johlle offered the following guidance:

- **For a solo vendor (e.g., a one-person HVAC specialist):** The response must be immediate and clear: "Do that again and you're gone." If the harassment is severe, terminate the relationship immediately.
- **For a vendor employed by a company:** Contact the company and inform them that their employee is engaging in unacceptable behavior (specify the actions, e.g., "doing xyz") and state that the individual is no longer permitted on site.
- **General Principle:** Do not allow harassment to slide. If the situation is serious, the individual must be removed.

A follow-up question was posed by Attorney Hoffman: "If the harassment occurs while under contract for a specific job, wouldn't immediate termination constitute a breach of contract?" The response was that the contract likely contains a clause requiring the vendor company to comply with all applicable laws, which would supersede other concerns.

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Question from Commissioner Tuczak who first explained the website system of how the “Contact Us” feature works when sending an email from the website to a commissioner. The emails sent through “Contact Us” are read by a staff member who then forwards the email to the correct recipient. This is only for residents who use the “Contact Us” feature on the site. Commissioner Tuczak asked, “Is the Park District liable for anything when the emails are filtered through staff first rather than having each commissioner’s email available separately on the website?” It was explained that the reason for this system is for purposes of uniformity in answering certain questions. The proper employees can help with the correct responses. The regular Park District email addresses for each commissioner do not filter through staff. This is only on the “contact us” form of the website. Attorney Johlle explained that once an email is sent, the expectation of its content being confidential is lost. There is no liability issue on the part of the Park District.

Question from Commissioner Doherty. “I regularly get drawn into some of the Facebook Groups. What is the appropriate way to respond in these groups as a Commissioner, particularly when residents are expressing strong opinions about Park District issues”. He sought clarification on the boundary between responding in a private capacity as a resident and responding officially as a Commissioner.

Attorney Johlle advised that any response to a direct inquiry, if the recipient is a Board member, constitutes a response as a member of the Board. To potentially mitigate this, a Board member could preface their answer by stating they are responding as a private resident of Mount Prospect, not as a Commissioner, and that their words do not represent the Board's position. Attorney Johlle noted that while this might offer some protection, the response should still be measured.

There being no further questions, the Commissioners thanked Attorney Johlle for his presentation.

MOTION: Motion to adjourn the Special Meeting made by Commissioner Starr, and seconded by Commissioner Masnica.

A voice vote was taken and all were in favor.

The meeting was adjourned at 6:52 p.m.

Respectfully submitted,

William J. Starr, Secretary